



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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December 28, 2009

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Claim of Juan De La Rama**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Claim of Juan De La Rama, in the amount of \$213,916.86, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This claim seeks compensation for property damage caused by a sewer main line blockage.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juan De La Rama
CASE NUMBER	Unlitigated claim
COURT	N/A
DATE FILED	8/12/2008
COUNTY DEPARTMENT	Dept. Public Works - Sewer Maintenance District
PROPOSED SETTLEMENT AMOUNT	\$ 213,916.86
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non litigated claim involves property damages arising from a sewer backup at the residential home of Juan De La Rama located in Calabassas. A County sewer crew investigated the complaint and found that wastewater from a sewer mainline intruded into the entirety of the single story home. The County crew rodded the mainline and relieved a stoppage created by overgrown tree roots. The sewage, however, caused damage to the interior flooring, drywall, cabinetry, baseboards, paint, and other personal property.

The sewer mainline is maintained by the County as part of the Consolidated Sewer Maintenance District. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE	\$	0
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PAID COSTS, TO DATE	\$	0
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Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary as an attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim: Date of incident/event:	Juan De La Rama July 19, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage backup that occurred at a residence at 22359 Cairnloch Street, City of Calabasas. The effluent caused damage to the interior of the residence as well as personal property.</p> <p>Public Works responded and the SMD crew confirmed the existence of a main sewer line blockage created by tree roots between Manhole Nos. 380 and 381. Remediation under the Rapid Response Program was offered. However, the claimant declined these services and hired JFS Construction.</p>

1. Briefly describe the root cause of the claim/lawsuit:

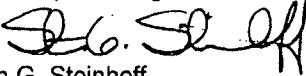

The cause of the sewer backup was a tree root blockage of the main sewer line.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

This segment of the main sewer line was inspected with a closed-circuit television to access the condition of the line. Based on the results of the inspection, the main sewer line was placed on a quarterly rodder periodic to prevent future blockages. The main sewer line will also continue to be inspected on a semi-annual basis.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  Steven G. Steinhoff	Date: 7.27.09
Signature: (Director) Gail Farber 	Date: 7-29-09

ARM:psr
P4:IDE LA RAMA SCAP1

HW
11/23/04

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CLAIM OF: Juan De La Rama

INCIDENT DATE: July 19, 2008

INCIDENT LOCATION: 22359 Cairnloch Street, City of Calabasas

RISK ISSUE:

The County may be liable in Inverse Condemnation if a public improvement, operating as intended, is a substantial factor in causing damage to private property.

INVESTIGATIVE REVIEW:

The sewer line at this location is owned by the City of Calabasas and is maintained by the County under the Consolidated Sewer Maintenance Districts (CSMD).

On July 19, 2008, the main sewer line located at 22359 Cairnloch Street in the City of Calabasas became blocked which caused wastewater to back up and overflow into plaintiffs' residence damaging the interior of their home as well as their personal property.

Sewer Maintenance Division (SMD) was notified and an SMD crew responded to the location. Upon arrival, the SMD crew observed that the wastewater level in Manhole No. 380 in Cairnloch Street was overflowing. The SMD crew rodded the sewer line between Manhole Nos. 380 and 381 and broke down a root stoppage. The sewer line was left flowing normally.

POLICY ISSUES:

The Consolidated Sewer Maintenance District's maintenance program consists of regular semi-annual inspections of the sewer system and appurtenances combined with periodic cleaning, repair, and related work as necessary to keep the collection system operating as designed.

CORRECTIVE ACTION:


A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 22359 Cairnloch Street, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.

DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

Page 2

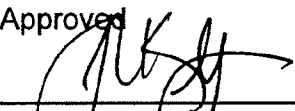
The main sewer line was inspected by closed-circuit television to assess the condition of the main sewer line. Based on their findings, and to prevent future blockages, the segment of mainline was placed on a quarterly rodding schedule. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel, and it will continue to be inspected under the semi-annual inspection program.

Reviewed & Recommended

 7/28/09

Diego Cadena Date
Deputy Director

Approved

 7/29/09

John Kelly Date
Deputy Director

ARM:psr
P4:IDE LA RAMA CAP1


7/23/09